From: Christianson, Greg
To: Lori Cora/R10/USEPA/US@EPA
Subject: Portland Harbor
Date: 03/09/2012 11:29 AM

Lori,

On behalf of the signatories of the White Paper sent to EPA Region X in October 2011, we'd like to thank you, Kristine, Chip, Elizabeth and Burt for meeting with us on February 23, 2012 to share your PowerPoint presentation on Remedial Action Levels and Cleanup Alternatives for the Portland Harbor site and to answer our questions regarding the agency's ongoing remedy selection process. We appreciate that you took the time to respond to our concerns and questions. We now have a more complete understanding of EPA's ongoing remedy selection process and risk-related determinations.

As you know, the signatories raised serious concerns in our White Paper and again during the February 23 meeting regarding many aspects of the Portland Harbor RI/FS process. We have questioned key assumptions and scenarios from the human health and eco-risk assessments, including assumptions regarding fish and clam consumption. For example, we question assumptions in some scenarios that fish are regularly consumed whole and raw for an entire lifetime, with all fish consumed being a single species (i.e., small mouth bass) all caught within the limits of the site. We question EPA's use of the non-native clam consumption scenario to derive a PAH remediation goal because this scenario at best is implausible and because, as we learned through our meeting, EPA directed the use of the clam scenario as a "surrogate" for PAH impacts on fish, which we believe is inappropriate both as a technical matter and under EPA guidance. We also question certain ecological assumptions, e.g., that mink exclusively consume only a single species of fish, all taken from the river within the site with no fraction of their diet coming from birds or upland prey. As we discussed, in our view, certain of these risk scenarios and other EPA-mandated decisions are not merely conservative; they are unreasonable. As we noted at the February 23 meeting, we believe that using such scenarios to set Preliminary Remediation Goals (PRGs) that in turn serve as the basis for Remedial Action Levels (RALs) undermines the integrity of the risk assessment, feasibility study and risk management processes. We also remain concerned about the sequencing of these reports – with the studies on site risks being finalized after the draft FS is required to be submitted at the end of March.

We appreciate your willingness to engage in a spirited discussion on these topics where we disagree. During our discussion, you indicated that EPA's responses to many of our questions on the risk assessments will be provided in EPA's comments on the BHHRA (due in April 2012) and on the BERA (due in July 2012). We look forward to carefully reviewing your comments and any new data and other supporting materials and to engaging in further discussions with you. We were encouraged to hear that many of the key risk management decisions have not yet been made by EPA and that there is still time to review these assumptions and scenarios that will play a key role in the remedy selection. We understand that PRGs are not yet final and that the RALs being used to develop FS alternatives are subject to change. As parties with a stake in the site's future remediation, we have a strong desire to provide meaningful input on these issues before they are decided. We believe it is critically important that the risk management process properly weigh the weakness in some of the risk scenarios and the lack of support for certain of the underlying assumptions before they are finalized and relied upon for risk management decision-making. We look forward to continuing the dialogue with EPA on these important issues.

As you know, we have requested a meeting with EPA management to discuss policy issues regarding the remediation and would like to determine how we can ensure that we will have a meaningful role in future risk management decisions for the site. We would like to talk further with you or others at EPA as soon as possible about an appropriate means of ensuring that we are provided a meaningful opportunity for input in risk management decision-making. We also wish to share our thoughts with CSTAG and EPA managers who will be assessing the appropriateness of the remedy that is developed for this site and its consistency with work required at other sites. Since work is ongoing, it would be helpful to review a calendar of future events and to agree on specific points in time when the white paper signatories' input

can be offered to EPA staff, and, at appropriate times, to CSTAG and EPA managers. Please let us know if it would be more appropriate to include the issue of our future role in our proposal for meeting with Region X senior management. To ensure that we have time to plan our schedule, we would appreciate it if you could reply on this point by March 20.

Thank you again for your frank discussion of these important topics and the open dialogue we have established to date.

Greg Christianson

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